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PATENT #8  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Brieden et al.

Application No. : 09/198,427

Group No.: 1621

Filed : November 24, 1998

Examiner: Berch, M.

For : PROCESS FOR THE PREPARATION OF AMINOALCOHOL  
DERIVATIVES AND THEIR FURTHER CONVERSION TO (1R,4S)-  
4-((2-AMINO-6-CHLORO-5-FORMAMIDO-4-PYRIMIDINYL)-  
AMINO)-2-CYCLOPENTYL-1-METHANOL

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on May 12, 2000.

Attorney Name Carmella L. Stephens

Registration No. 41,328

Signature Carmella L. Stephens

Date of Signature May 12, 2000

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, DC 20231

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In response to the Restriction Requirement dated December 14, 1999, please consider the following remarks. The Examiner has stated that the claims of the present application contain three inventions, which he has divided into the following groups:

Group I, drawn to Process involving enzyme resolution;

Group II, drawn to Process involving chemical resolution; and

Group III, Claim 10, drawn to Ester hydrolysis.

Claims 8, 9 and 11 link Groups I and II, and hence will be examined, to the extent that they read on the elected invention, with whichever of Groups I and II are elected, if Group III is not elected.

According to the Examiner, the inventions are distinct, each from the other because of the following reasons: chemical and biological processes are distinct because they are fundamentally different, and cannot be considered equivalent. With regard to Group III, the Examiner maintains that this step does not appear in either of the processes. The Examiner has required that Applicants restrict the prosecution of this application to one of the foregoing groups of claims.

In response, Applicants elect to pursue the claims of Group I in this application without prejudice to the prosecution of the subject matter of non-elected claims in other patent applications. Applicants make their election with traverse, on the grounds that the claimed processes of Group I and Group II are conceptually linked, and would not require separate searches. Accordingly, Applicants request that the restriction requirement be reconsidered.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,

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